

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Mail Stop Missing Parts, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2005
Martha S. Sloan



Martha S. Sloan
(signature)
December 9, 2005
(date of signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------|---|--------------------------|
| In re Application of: |) | |
| Frederic W. Strobel et al. |) | |
| |) | Group Art Unit: |
| Serial No. 10/541,041 |) | |
| |) | |
| Filed: June 24, 2005 |) | Attorney Docket: 1-36863 |
| |) | |
| For: BARIATRIC PATIENT |) | |
| MANAGEMENT SYSTEM |) | |
| |) | |

December 9, 2005

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Honorable Sir:

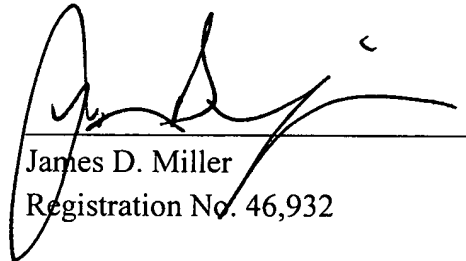
RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION

In response to a Notice to File Missing Parts of Nonprovisional Application dated
October 11, 2005, the applicants herein submit a fully executed Declaration and Power of
Attorney and a copy of the Notice.

Rec'd PGT/PTO 12 DEC 2005

Please charge the oath or declaration surcharge of \$65.00 (small entity) to Deposit Account No. 50-3156, pursuant to 37 CFR 1.16(e). A duplicate of this paper is enclosed for this purpose.

Respectfully submitted,



James D. Miller
Registration No. 46,932

Law Offices of Fraser Martin & Miller LLC
132 West Second Street
Perrysburg OH 43551
(419) 874-1100

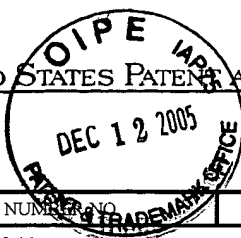
12/15/2005 ATRAN1 00000068 503156 10541041
01 FC:2617 65.00 DA

Rec'd PCT/PTO 2 DEC 2005

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/541,041 | Frederic W Strobel | 1-36863 |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US03/41169

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 12/23/2003 | 12/26/2002 |

43935

FRASER MARTIN BUCHANAN MILLER LLC
132C WEST SECOND STREET
PERRYSBURG, OH 43551-1401

CONFIRMATION NO. 1972

371 FORMALITIES LETTER



OC000000017160678

Date Mailed: 10/11/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/24/2005
- Copy of the International Search Report filed on 06/24/2005
- Information Disclosure Statements filed on 09/23/2005
- Oath or Declaration filed on 06/24/2005
- Small Entity Statement filed on 06/24/2005
- U.S. Basic National Fees filed on 06/24/2005
- Priority Documents filed on 06/24/2005

OCT 11 2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/541,041 | PCT/US03/41169 | 1-36863 |